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5 NICHOLE LITTLE CLOUD
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9 UNITED STATES DISTRICT COURT
10 NORTHERN DISTRICT OF CALIFORNIA
11 SAN FRANCISCO DIVISION

12 —000—

13 UNITED STATES OF AMERICA,

CR 16-266 SI

14 Plaintiff,

DECLARATION OF COUNSEL

15 vs.

16 THOMAS DANIEL LITTLE CLOUD,

17 Defendant.
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20 I, Rebel Harjo, am a tribal court advocate with a juris doctor licensed to practice in the
21 Tohono O’odham Judicial Court.

22 I have worked in Indian country in various capacities, legal, social services, and
23 education since 1979.

24 In the early 1990s I was appointed a “Court Appointed Special Advocate” through an on-
25 going special advocacy program of the Arizona Supreme Court while I was in law school and
26 received training investigating and advocating for Native children in dependency cases.

27 I wrote my master’s thesis on the Indian Child Welfare Act and was assigned to work
28

1 with Native children. If reunification was not possible, I sought adoption for the children with
2 other Native families. (However, while there is a placement preference under ICWA, Native
3 children do still wind up being adopted to non-native families.)

4 I do not remember the name of the foster family with the lock on the refrigerator. It was
5 a very poor Anglo family, not the Gutierrez family.

6 I do remember the Gutierrez family. They did not speak English and Thomas did not
7 speak Spanish. He was sexually abused in that home and unable to tell or go to an adult there for
8 help. The extended family never liked him being there, and became openly hostile after he
9 disclosed the abuse. He wasn't immediately removed, and I had to make waves to get him out of
10 there.

11 I believe Thomas's birth father fled to Thailand, not Mexico, after sexually abusing
12 Thomas's half-sister, Diana. I learned this from an older half-sister of Thomas in Oklahoma.
13 Her name was Racie and she hated her father. She wanted to raise Thomas. We went to
14 Oklahoma but it fell through after she and her husband sought a divorce. The CASA Program
15 paid for Thomas and I to fly to his mother's relatives in South Dakota on the Cheyenne River
16 Sioux Reservation, as another adoptive option. They were living in extreme poverty, and he was
17 a mismatch, a little city boy, who looked different and tended to be outspoken even then.
18 Additionally, none of them had any love loss for his mother so there was an obvious bonding
19 issue upfront.

20 The Chairman of the San Xavier District of the Tohono O'odham Nation was interested
21 in the adoption of Thomas. He maintained a sweat lodge in his efforts helping Native men seek
22 recovery. Thomas and I spent time with the family, but his wife decided against a permanent
23 arrangement. Thomas did not look O'odham and they were O'odham full bloods. He was not
24 and knew nothing about the Lakota culture the Chairman admired.

25 During the incident in which Thomas curled up in a ball (fetal position) on the
26 floorboards of my car he was suicidal (at age 9) not wanting to return to his foster home.

1 I learned much later after Thomas's adoption that he was possibly exposed to drugs and
2 alcohol during his mother's pregnancy.

3 I myself personally wanted to adopt Thomas Little Cloud, but was unable to because he
4 was violent towards my own child at the time they were both around the age of seven.

5 To my recollection, Thomas was sent to a non-denominational Christian School (not a
6 Catholic school) that the Little Clouds sacrificed financially to provide in the hopes he would
7 catch up academically, have the structure they felt he needed, along with reinforcement of good
8 values.

9 Except for these additional (and some slightly conflicting facts), the Declaration of
10 Counsel prepared by Erin Crane in Support of Surety's Opposition to United States Motion for
11 Forfeiture of Bond, Judgment Against Defendant, and Enforcement of Surety's Obligations
12 coincides with my recollection of he abusive father, severe neglect by his mother, his mother's
13 repeated abandonments, her exploitation of him as a small child using him to burglarize homes,
14 his rejections and his further abuse and neglect and exposure to criminal elements in foster
15 homes.

16 I truly believe that if anyone could have raised Thomas successfully it was Nicky and
17 Robert Little Cloud. I have known them to be people of considerable integrity, and positive
18 contributors to the best interests of the people within their community. They were loving parents
19 who successfully raised two other adopted children, and are probably the only chance little
20 Thomas, Jr., has of turning out to be a decent man some day.

21 I declare under penalty of perjury that the foregoing is true and correct. Executed on this
22 2nd day of November, 2017 at Tucson, Arizona.

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25 Rebel Harjo
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